



Malvern TCE Site

Chester County, Pennsylvania

U.S. Environmental Protection Agency, Region III ■ Fact Sheet ■ July 1998

EPA Offers Settlement to Responsible Parties

The U.S. Environmental Protection Agency (EPA) recently mailed letters to all identified parties responsible for the contamination at the Malvern TCE Superfund Site. These letters notified the **responsible parties** that they must pay for the cost of the site cleanup, including reimbursing EPA for all previous costs associated with the cleanup.

On April 30, 1998, EPA mailed letters to approximately 250 *de minimis* parties offering them the opportunity to participate in a *de minimis* settlement and to settle their liability as generators, brokers or transporters of waste to the site. The settlement allows these parties the opportunity to contribute to the cleanup costs in return for a guarantee from EPA that they will not be sued in the future for site-related cleanup activities.

On May 4, 1998, EPA mailed special notice letters to approximately 50 *non-de minimis* responsible parties. Responsible parties who received special notice letters are required to

Responsible parties are present or former owners and/or operators of the site; companies/persons who arranged for treatment and/or disposal of hazardous substances at the site; or companies/persons who accepted hazardous substances for transport to the site for treatment or disposal.

reimburse EPA's past costs as well as estimated future costs, and to implement and fund the remedy for the site. These letters give the parties an opportunity to negotiate a consent decree to perform the work required by the Record of Decision (ROD), a document that announces and explains

EPA's selected cleanup method.

Responsible parties receiving special notice letters included Lloyd Balderston, Ruth Balderston and Chemclene Corp. Chemclene is the

current owner of the site, Ruth Balderston is the former site owner, and Lloyd Balderston was the operator of the site during the time that contamination occurred. In addition to the owner/operator parties, companies who generated or transported waste to the site also received special notice letters.

EPA also issued an Order to Chemclene, Lloyd Balderston and Ruth Balderston to conduct certain cleanup plan activities outlined in the November 1997 ROD. Each activity that the owner/operators must conduct is part of the plan to clean up the Main Plant Area

(MPA). The Order requires the owner/operators to:

- ▶ Decontaminate and remove the collapsed quonset hut and sample soils beneath the hut to determine if the soils contain specific contaminants above levels outlined in the ROD.
- ▶ Decontaminate and properly dispose of or reuse the former underground storage tanks in accordance with established standards.
- ▶ Inspect and maintain the Main Building to reduce infiltration of precipitation and provide an effective cap over the soils beneath the Main Building at the MPA.
- ▶ Close the Main Building, including the loading dock and chemical laboratory. Closure will consist of removing and disposing of all hazardous wastes and decontaminating the floor, distillation equipment, contaminated structures and associated processing equipment. The contents of the building will be sampled to determine if hazardous substances are present. If hazardous substances are present, the materials will be shipped to a proper offsite disposal facility. ■

De Minimis Parties

De minimis parties are those companies or individuals who contributed a relatively small amount of waste to the site. EPA established a cut-off for *de minimis* eligibility using a percentage of the total waste sent to the site by all the responsible parties. For the Malvern Site, a responsible party is eligible to participate in the *de minimis* settlement if its contribution of hazardous substances to the site is at or less than 0.75% of the total waste sent to the site for processing.



Timeline

The *de minimis* parties had until May 31, 1998, to review the terms of the settlement and respond to EPA with any comments. EPA will finalize the settlement and notify the parties that they have 30 days to sign the settlement and return it to EPA.

Upon receipt of the letters, the *non-de minimis* parties have 60 days to respond to EPA with a Good Faith Offer. A Good Faith Offer is a response from the parties to EPA stating that they are willing to participate in negotiations and implement the design and

construction of the remedy. If EPA receives a Good Faith Offer, an additional 60 days is set aside to negotiate a Consent Decree between the parties and EPA.

Once EPA completes negotiations, the remedial design phase of the cleanup can begin. This is the phase in which the cleanup plan is designed. Upon completion of the remedial design phase, the remedial action (the actual construction of the cleanup) will begin. EPA anticipates that construction will begin in the spring of 2000. (See Figure 1 on the next page.) ■

For More Information...

If you would like additional information on the settlement letters mailed to the responsible parties, or would like more information about the Malvern Site, please contact one of the following EPA representatives:



David Polish (3HS43)
Community Involvement Coordinator
(800) 553-2509 or
(215) 566-3327

Linda Dietz (3HS21)
Remedial Project Manager
(215) 566-3195

Joan Johnson (3RC21)
Assistant Regional Counsel
(215) 566-2619

U.S. EPA, Region III
841 Chestnut Building
Philadelphia, PA 19107

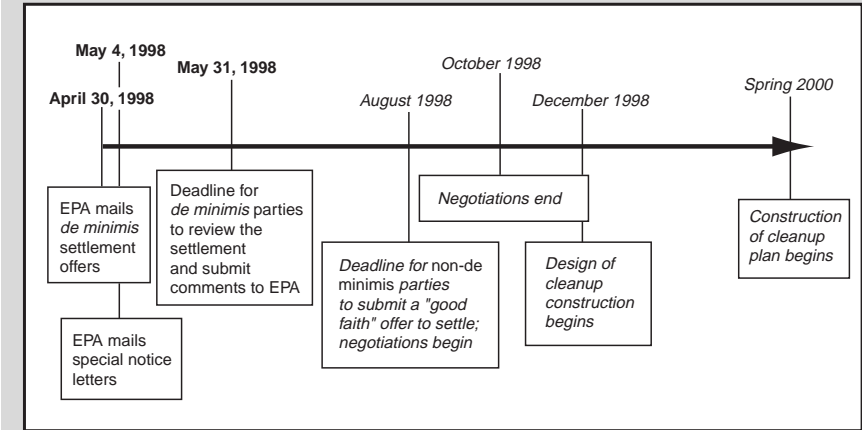


Figure 1: EPA has sent notice letters to all responsible parties. This fall, EPA will finish negotiations with the responsible parties, and in Spring 2000, cleanup construction can begin.

To Review the Site Records

You can also find information in the Administrative Record File at one of the Information Repositories located at:

Chester County Library
400 Exton Square Parkway
Exton, PA 19431
(610) 363-0884
Contact: Richard Lindberg
Hours: Monday-Thursday,
10 a.m. - 9:30 p.m.
Friday, 10 a.m. - 6 p.m.
Saturday, 10 a.m. - 5 p.m.
Sunday, 1 p.m. - 5 p.m.

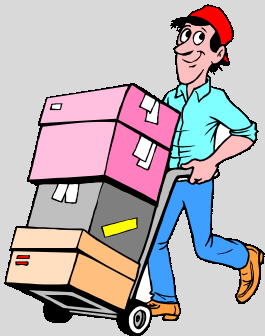
U.S. EPA, Region III
Administrative Records Room
841 Chestnut Building
Philadelphia, PA 19107
(215) 566-3157
Contact: Anna Butch
Hours: Monday - Friday,
8:30 a.m. - 4:30 p.m.
Please call in advance for an appointment.

EPA is on the Move ...

This summer, EPA is moving the Region III offices. David, Linda and Joan will arrive at the new space in mid-July. Contacting them will still be easy during this transition because only the first three digits of the EPA phone number will change — instead of dialing

566, starting in July you will dial 814. The new EPA address will be:

U.S. Environmental Protection Agency
Region III
1650 Arch St.
Philadelphia, PA 19103-2029



EPA Offers Settlement to Responsible Parties Look Inside for More About the Malvern TCE Superfund Site



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